

By: Representatives Gibbs, Dickson, Green,
Henderson, Markham, Thomas

To: Judiciary B

HOUSE BILL NO. 701

1 AN ACT TO AMEND SECTIONS 9-11-27 AND 9-11-29, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE TRAINING FOR DEPUTY CLERKS OF THE JUSTICE
3 COURT WHO WORK IN OFFICES SEPARATE FROM THE CLERK; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 9-11-27, Mississippi Code of 1972, is
7 amended as follows:

8 9-11-27. The board of supervisors of each county shall, at
9 its own expense, appoint one (1) person to serve as clerk of the
10 justice court system of the county, and may appoint such other
11 employees for the justice court of the county as it deems
12 necessary, including a person or persons to serve as deputy clerk
13 or deputy clerks. The board of supervisors of each county with
14 two (2) judicial districts may, at its own expense, appoint two
15 (2) persons to serve as clerks of the justice court system of the
16 county, one (1) for each judicial district, and may appoint such
17 other employees for the justice court system of the county as it
18 deems necessary including persons to serve as deputy clerks. The
19 clerk and deputy clerks shall be empowered to file and record
20 actions and pleadings, to receive and receipt for monies, to
21 acknowledge affidavits, to issue warrants in criminal cases upon
22 direction by a justice court judge in the county, to approve the
23 sufficiency of bonds in civil and criminal cases, to certify and
24 issue copies of all records, documents and pleadings filed in the
25 justice court and to issue all process necessary for the operation
26 of the justice court. The clerk or deputy clerks may refuse to
27 accept a personal check in payment of any fine or cost or to

28 satisfy any other payment required to be made to the justice
29 court. All orders from the justice court judge to the clerk of
30 the justice court shall be written. All cases, civil and
31 criminal, shall be assigned by the clerk to the justice court
32 judges of the county in the manner provided in Section 11-9-105
33 and Section 99-33-2. Any deputy clerk who works in an office
34 separate from the clerk shall be trained as a clerk as provided in
35 Section 9-11-29.

36 SECTION 2. Section 9-11-29, Mississippi Code of 1972, is
37 amended as follows:

38 9-11-29. (1) Within ninety (90) days after appointment,
39 every person appointed as clerk of the justice court under the
40 provisions of * * * Section 9-11-27, or a deputy clerk in a
41 separate office as provided in Section 9-11-27, shall file
42 annually in the office of the circuit clerk a certificate of
43 completion of a course of training and education conducted by the
44 Mississippi Judicial College of the University of Mississippi Law
45 Center.

46 (2) Every person appointed as clerk and deputy clerk of the
47 justice court shall, before entering into the duties of the
48 position, give bond, with sufficient surety, to be payable,
49 conditioned and approved as provided by law and in the same manner
50 as other county officers, in a penalty equal to Fifty Thousand
51 Dollars (\$50,000.00); and any party interested may proceed on such
52 bond in a summary way, by motion in any court having jurisdiction
53 of the same, against the principal and sureties, upon giving five
54 (5) days' previous notice. The cost of such bond shall be paid by
55 the county.

56 (3) Upon the failure of any person appointed as clerk of the
57 justice court to file the certificates of completion as provided
58 in subsection (1) of this section, such person shall not be
59 allowed to carry out any of the duties of the office of clerk of

60 the justice court, and shall not be entitled to compensation for
61 the period of time during which such certificates remain unfiled.

62 SECTION 3. This act shall take effect and be in force from
63 and after July 1, 2001.